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TOM LYTGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
May 4, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Ben Sautter, Road Supervisor; Harold Stepper, County Planner; Bonnie Ramey, Clerk & Recorder; Matt Johnson, County Attorney; Joe & A. Sharon Madsen, Mike Korn, Jim & Mildie Kehr, Rod Sager, Jim Crichton, Sabrina Steketee, Bruce Suenram, Hal Hay, Greg Dahl, Jan Anderson

REPORTS

Receipt of April expense and revenue reports from Clerk & Recorder.

SUBDIVISION REVIEW

PRELIMINARY PLAT APPROVAL - MAGGIE MINOR

Harold Stepper, County Planner, presented his staff report. He noted that a variance will be required, as lot 1 is bisected by Maggie Hill Road. He recommended that preliminary plat approval be granted. Commissioner Lythgoe asked the developer if he has spoken with Ben regarding the roads and Jay regarding weeds. The developer stated that he has spoken with both, and Jay has been on site. Commissioner Lythgoe moved to give preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - PALMER MINOR

Harold Stepper, County Planner, presented his staff report and recommended that preliminary plat approval be granted. Commissioner Weber stated that he is not sure that it is appropriate, but he would like to request a revision in the language regarding the cul-de-sac, that it specify a 50-foot radius on the driving surface. Commissioner Weber moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON COUNTY'S CONTRIBUTION TO ANACONDA JOB CORPS FOR BERNICE PROJECT

Commissioner Lythgoe stated that this was discussed at the road meeting the previous day, and it was decided that more information is needed before a decision is made. Ben will set up a meeting with the principle parties.

DISCUSS AND DECIDE ON CONSULTANT'S RECOMMENDATION REGARDING PAYROLL STUDY

Commissioner Lythgoe reported that he had a couple meetings with Salty, Bonnie and Kellie. Salty should have something to present to the Commission in the next couple weeks.

APPOINT FIRE TRUSTEES

Bonnie Ramey, Clerk and Recorder, presented a list of fire trustees to be appointed. Some trustees are elected by acclamation, and others need to be appointed. She noted that Basin still has a vacancy.

Commissioner Weber moved to appoint Jeff Roe to a three-year term as a Jefferson City fire trustee. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to appoint Mike Molitor and Frank Carey to a three-year term as a Bull Mountain fire trustee. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to appoint Thomas Q. Johnson to a three-year term as a Montana City fire trustee. Commissioner Notbohm seconded. The motion carried.

Commissioner Weber moved to appoint Florence Saylor to a three-year term as an Elk Park fire trustee. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON REQUEST FROM BOULDER OUTLAWS 4-H CLUB FOR FUND OF \$400 FOR 4-H FAIR PREMIUMS

Sabrina Steketee stated that this is the third year that the Boulder 4-H club is doing the 4-H fair at the Jefferson County Fair. This year they have opened it up to 4-H from Lewis & Clark and Madison counties. In the past, the club has footed the bill, both in time and money. They are hoping for help with premium money this year. Commissioner Lythgoe moved to approve the Boulder Outlaws 4-H Club's request for \$400.00. Commissioner Notbohm seconded.

Discussion followed. Commissioner Weber stated that he afraid he has to open a can of worms, and questioned why the Outlaws didn't go to the 4-H Council before coming to the Commission. Sabrina stated that she didn't have an answer to that. Commissioner Weber stated that he feels like the Commission would be stepping on toes by approving this without the Council's knowledge. 4-H is governed by the Extension Service and the 4-H Council, and he doesn't want to step on any toes. He stated that he has been trying to chase this down since the Commission received her request. Commissioner Weber stated that he has requested to be on the agenda for the next 4-H Council meeting, which will be held the following Tuesday. He stated that he would like to take the time to go to the Council and get their input. He said that he is not against

giving the money, but he would like to go through channels. He asked if another week would make a difference. Sabrina stated that they have been requesting help for three years, another week won't make a difference. She noted that Cameron was at the 4-H meeting when approaching the Commission was discussed. Commissioner Notbohm stated that they haven't gotten a request from the Extension Service or the 4-H Council for funding. Commissioner Lythgoe stated that he is surprised, with all of the discussion over the past years, that they haven't gotten a request. He stated that he feels it is appropriate for a discussion to happen. However, for this year, he doesn't feel that it is out of line to grant the \$400, noting that this might be the catalyst for further discussion. Commissioner Weber agreed that it may be a catalyst, but requested that he be given time to go to the Council and research. He asked respectfully that he be granted one week to talk to all involved and come back the next week with information. Commissioner Lythgoe stated that, as he understands it, Commissioner Weber is not saying that he is not inclined to grant the request, but he thinks it is appropriate to agendize this two weeks out.

Commissioner Notbohm stated that in the letter Sabrina gave an accounting of what it took to put on the fair in the past, and \$400 isn't much. He stated that he would like an accounting of what they expect to spend. Commissioner Lythgoe stated that if Sabrina has no problem with it, he will withdraw his motion and will put this back on the agenda in two weeks. Sabrina stated that this is for premium money, which is not needed until after the fair. She also commented that she has been at a lot of long, late, heated meetings regarding 4-H funding, and she would be disappointed if it goes to that again. Commissioner Lythgoe stated that it is his inclination to approve the request, but he will let Commissioner Weber do what he needs to do.

RESOLUTION 11-2005 RESOLUTION OF INTENT TO FORM A RURAL IMPROVEMENT DISTRICT ON SOUTH HILLS DRIVE

Dr. Jim Kehr stated that the residents of South Hills Drive have a big problem, and if the Commissioners have not driven on that road lately, he would invite them to do so. Dr. Kehr stated that we did not have a bad winter, yet there were still 20 days this year that it was impossible for emergency vehicles to drive on the road. He asked who has the responsibility for this road, as it appears that no one does. He noted that former Commissions have allowed development off of this road, one of which is the Crossfire Estates. There is a homeowner's association, but there are no teeth to collect the yearly dues of \$225, therefore less than half pay them. Dr. Kehr stated that individuals will occasionally do something, such as bring in a truck load of sand or gravel. They can't get a contractor to plow because of the rocks in the road; there is no base.

As a solution, he suggested creative thinking, common sense and cooperation. He stated that, in a perfect world, the road would be 24-feet wide with banked corners, etc. The County has stated that they have no jurisdiction and no money for this road. He has been meeting with the people who live along the road, and there are enough people willing to put up their own money and do something similar to Lime Kiln Road. They have gotten a bid for an 18-foot wide road with four inches of gravel topped with three inches of asphalt, and the removal of some trees on the south side. He noted that there are a lot of blue collar people who live up there, and \$5000 is all that

they can commit to. Residents of Crossfire Estates have requested a variance from paying the dues so that they might take part in the RID, and that took six months to obtain.

Next, Dr. Kehr addressed some of the concerns that have been presented in relation to their proposal - increased traffic, increased slickness on the road, the need for engineering and liability. He stated that they can't do anything about traffic. The road can't get any slicker, in his opinion, and noted that a paved surface will melt off more quickly, since it will attract heat, especially with the removal of trees. They can't afford engineering on the road. He stated that the road is what it is; it will always be steep and narrow. He asked if the County has a solution. He has a reasonable solution that doesn't cost the County anything. He stated that, in summary, what he is proposing is a road that can be plowed, sanded and repaired, with no cost to the County. He stated this could be the poster child for South Hills, and lead to more development. The public wants it. The only opposition they may get is from people at the bottom, because they don't use as much of the road.

Dr. Kehr stated that he received a letter the previous day from the County Attorney. No one ever told him in all of his dealings with county employees that he needed to meet with the County Attorney, noting that he has done his best to meet all the requirements. It has been stated that everything must be done to County Standards, but asked what the standards are for a goat trail. He stated that the letter ended with some bulleted recommendations. The first stated that the petition failed to include specific language as required by County Policy prior to signatures being acquired. He stated that no one told him of the requirements, and it took him a year to accomplish what he has. As far as the requirement that the project must meet county road standards, the road is not to standards now. Another requirement stated that information on actual costs is necessary to provide information to the land-owners indicating potential impact from the project in a lump sum as well as in an estimated loan amount for yearly payments. Dr. Kehr stated that he got bids, but that they are only good for 30 days. The next bullet asked if all potentially benefitting landowners are included in the petition, and Dr. Kehr stated that they are not, and stated that he is not going to take the time to round up another 20 people. The County Attorney's letter also stated that Lewis and Clark County and the City of Helena be consulted in regards to this project, as each may have landowners included in the RID, and Dr. Kehr indicated that he had spoken with Tim Burton, Helena city manager.

Commissioner Notbohm stated that he appreciates all the work that has been done, but as extra houses are built, conditions will get worse. Dr. Kehr stated that the road is getting worse every day. He further stated that during his conversation with Tim Burton, Tim questioned how long people will be able to buy insurance up there.

Commissioner Lythgoe recognized Dr. Crichton to speak, but first asked him if there was a subdivision where he lived. Dr. Crichton answered that there was. Commissioner Lythgoe stated that there has been mention that this is a private road, but if it was built for a subdivision, it is a public road. If there was no subdivision, it could have potentially been private. Dr. Crichton stated that there are six of them that live along the road on the Lewis and Clark side. One doesn't like the dust and would like some abatement. The rest of them have the same

concerns with traffic, safety, etc., but to say that it will never be to county standards and we'll pave it anyway is not the best stance to take. He stated that there is a lot of road building going on in the area. His stance is that this is a private roads. He also thinks that the project is more difficult than presented, and less practical.

Commissioner Lythgoe stated that one of his concerns is with maintenance, and the road not being built to county standards. As steep as that road is, pavement is going to make it more slick. Also, 6/8 of that road, if not more, is in Lewis and Clark County, while most of the signers of the petition are in Jefferson County. Essentially, Jefferson County would be forcing something on Lewis and Clark residents something that they may or may not want.

Rod Sager stated that he lives across from the Kehrs. He appreciates Commissioner Lythgoe's concerns, but would to clarify that 4/10 of the road is in Lewis and Clark County and 6/10 is in Jefferson County, noting that he measured the road the day before. He stated that it doesn't make sense to pave only what is in Jefferson County. He noted that in his personal experience, it is not going to make the road worse, it will only make it better. Mr. Sager stated that this winter a friend came to see him, but couldn't make it up the hill. He told his friend that he would come down and get him, as he has an all-wheel drive van. He stated that he came out of his drive about 5 miles per hour, and it took him 30 feet to get stopped. He stepped out of his van and slipped and fell on the road. It took him five minutes to make it across the road. He stated that they can't make the road worse. At this time, no one will plow the road. If it is paved, they can contract to have someone plow and sand. What is being proposed is much better than what was done with Lime Kiln Road, and he hopes the Commission will consider the proposal. He noted that Lewis and Clark County will still need to approve it.

Mildie Kehr stated that this is a real emotional issue for her, as a mother and grandmother. Everyone she loves drives on that road. She stated that the road is full of rocks and chuck holes, which people try to dodge. She stated that it isn't unusual to come around a corner and meet someone head on. This winter, she stated that she pulled out of her drive and slid off of the road. When she stepped out, she slipped and fell. She said that she had to take her boots off and walk in stocking feet back to her house to get her husband. When he came down, he slid sideways down the road. They then tried to get a commercial tow truck from AAA, and it slid off of the road twice. An executive with AAA told them that the road was not safe for travel. She questioned what would happen if there was a fire or an accident during that type of road condition. Mildie stated that her husband has spent thousands of hours to get this done, and the residents are to pay for it and maintain it.

Commissioner Lythgoe stated that he has lived there for 13 years, and has experienced it all. He understands that something needs to be done. The problem is that the road needs to be brought up to a certain standard first. Mildie stated that they don't have the money to do that, and asked what options they have. Commissioner Lythgoe stated that there have been conversations about how wide the road needed to be, one of these conversations with someone from Helena Sand and Gravel, and their estimates came back much more than presented. The County Attorney has given his opinion, and he doesn't know that they can vary from the standards outlined in the policy for a RID.

Commissioner Weber stated that everything seems to be hitting obstacles and he understands their frustrations. He stated that the County has applied for a grant that will facilitate study in the area and how to address roads. The Commission is not turning a blind eye, and they are appreciative of all the work that the petitioners have done. However, the Commission cannot set aside the road standards.

Dr. Kehr questioned how Lime Kiln was done - by the County acquiescing and doing what was needed to improve safety. The County may be asking for a grant, but it won't do anything for possibly five years, and they have a problem now. If the County wants to make the road wider in the future, that would be great. He stated that the County has neither \$100,000 to help them nor equipment to widen the road. If it is a public road, fix it. He is presenting a solution to make it better.

Commissioner Lythgoe stated that just because things were done wrong in the past, such as Lime Kiln, does not mean that it is the right thing to do now. The County is trying to correct these things. He stated that they have developers coming in and the County is holding them to the standards. The County can't let this RID through with something way below standards, we are trying to raise standards. If the Commission allows this to go through with the standards Dr. Kehr is suggesting, they would be doing a disservice to our residents. Dr. Kehr stated that he can't believe that they can't address this somehow. Commissioner Lythgoe stated that there are ways to address this. He noted that one limiting factor is the term of the loan. If the term could go out further, to 20 or 30 years, the road can be done properly and dollars could be kept in the range that they want. Dr. Kehr stated that InterCap loans only go for 10 years. Commissioner Lythgoe stated that Dr. Kehr had indicated that he had found a loan with a 30-year term. Dr. Kehr stated that, after more research, this loan requires a tremendous amount of paperwork. He asked if the County has money or a way to help. Commissioner Lythgoe answered that the County does not, and, even if they did, there are 500 other situations with similar problems.

Commissioner Lythgoe stated that his initial question to the County Attorney was if the Commission could adopt a resolution of intent, with the knowledge that some things need to be changed. Matt stated that they cannot. Once the resolution of intent is signed it goes on to the homeowners. If this is not even a county road, the county cannot legally enforce it. Also, if it is not a county road, the county can't maintain it. Matt stated that people are building houses higher and higher and not considering how they are going to get to them. Then they want the County to fix the problem. He stated that he remembers running up that road as a child, and it was posted with a no trespassing sign. There is a need to know if there is an easement, and what the true status of the road is. Matt stated that he appreciates all the work that has been done, but he wishes that he had seen it nine months ago.

Ben Sautter, Road Supervisor, stated that he appreciates all the work that has been done, and that he agrees with all that has been said. If the homeowners spend \$80,000 they will have a better road, but with a trade-off of safety issues. There will be more traffic with people traveling at a

high speed, with no delineation. Ben stated that they are half-way there. His suggestion is to bring the road up to a certain standard and worry about pavement later. Rod Sager stated that he was confused and asked for clarification, asking if the County is saying that Lime Kiln is now worse than it was before. Ben stated that there is a smooth driving surface, but that there are other safety concerns. Commissioner Lythgoe stated that you can't compare the two roads, as South Hills is much steeper.

Dr. Kehr stated that he would like the Commission to act and ask the County Attorney to research who owns the road and has jurisdiction. He can't believe that he has been mislead for a year; not one person told him that he needed to talk to Matt or that he would be required to take the road to 24 feet.

Commissioner Lythgoe asked Harold if he had given Dr. Kehr the policies and procedures related to the formation of a RID. Harold stated that he had. Commissioner Lythgoe asked Harold if the document indicated that roads need to be to built County standards. Harold stated that it does. Commissioner Lythgoe asked if the policies indicate that the roads need to be engineered. Harold stated that the RID can be approved, but engineering is needed before an Intercap loan is approved. Commissioner Lythgoe asked if there was anything that lead Dr. Kehr to believe that an 18-foot wide road would be okay. Harold stated that during their discussions, they talked about an 18-foot versus a 24-foot road, and that it would be up to the Commission if a variance was needed.

Commissioner Notbohm asked what they consider the worst part of the road. Mildie stated it was from Crichton's up. Dr. Kehr asked the Commission to give them a solution. Commissioner Notbohm asked if they had given any thought to improving the road in sections, and begin by bringing the worst part up to standards.

Commissioner Lythgoe stated that, on behalf of the County, he will apologize for a couple of things. If they were lead to believe that there was potential for the Commission to approve an 18-foot road, he apologizes, as that is not the case. Dr. Kehr countered that this is not what he heard Matt say.

Commissioner Lythgoe noted that there is a resolution before them, which he read as follows:

RESOLUTION 11-2005
RESOLUTION OF INTENT TO CREATE A RURAL IMPROVEMENT DISTRICT
FOR SOUTH HILLS DRIVE, JEFFERSON COUNTY, MONTANA

WHEREAS, Jefferson County has created procedures to implement Rural Improvement Districts within the county for the purpose of maintaining roads per MCA § 7-12-2102; and

WHEREAS, Jefferson County has a means of collecting landowner fees through placing

this fee on tax assessments; and

WHEREAS, fifteen of twenty-one landowners within the boundaries of the proposed district located primarily in Jefferson County, Montana have petitioned Jefferson County to create a Rural Improvement District (RID) for the purpose to provide hot asphalt paving with appropriate subsurface approximately eighteen feet wide from the base of Saddle Drive up South Hills Drive to the mail boxes. Additionally the RID would allow landowners the ability to take care of general maintenance and improvements to South Hills Drive more specifically including yearly snow removal, culvert cleaning, culvert replacement, erosion control, yearly road maintenance, and maintain the asphalt top; and

WHEREAS, the Jefferson County Clerk and Recorder has certified that those individuals living in Jefferson County whose names appear on the petition own real property that is served by South Hills Drive; and

WHEREAS, South Hills Drive landowners and homeowners have established a fee for individual RID landowners of an estimated amount of \$5,000.00 per bids from paving companies for the asphalt top road to be paid back in a term of years along with a yearly estimated maintenance fee of approximately \$50.00. The estimated fee for the asphalt per landowner shall be paid over a period of years as the intention of the RID is to seek financing over a period of years. The South Hills Drive Association, Inc. shall levy the set maintenance fee and amount owed by each landowner for the asphalt top and amount to be assessed yearly per By-Laws of the South Hills Drive Road Association; and

WHEREAS, the attached petition and bylaws (Exhibit A) establishes voting rights of members for the RID and establishes landowners of the RID; and

WHEREAS, a map is attached (Exhibit B) and the boundaries of the RID are defined by the outer-boundary of the lands owned by the twenty-three landowners per the petition for RID (Exhibit A).

WHEREAS, the Jefferson County Treasurer will collect the RID fees and upon presentation of the proper documentation of improvement costs issue a warrant for those costs from the fees which have been collected. The Treasurer is authorized to charge a 10% administration fee from these fees; and

WHEREAS, the petition (Exhibit A) is submitted as part of this Resolution of Intent to clarify how the Rural Maintenance District shall function;

NOW, THEREFORE BE IT RESOLVED, that pursuant to § 7-12-2121, MCA, the Jefferson County Commission hereby creates this Resolution of Intent to Create a Rural Improvement District, District number 1002, for South Hills Drive in Jefferson County, Montana and thereby shall publish notice of the passage of the Resolution of Intent as provided in § 7-1-2121, MCA, and provide a copy of notice to be mailed by certified mail, as provided in § 7-1-2122, to each person, firm, or corporation or the agent of the person, firm, or corporation owning real property within the proposed district.

DATED this 4th day of May, 2005.

Commissioner Notbohm moved that, under the circumstances, they approve the resolution. He stated that he doesn't agree with it, but how it came together, it is in the best interest of the County to approve this time, and promise ourselves never to do it again. Commissioner Weber asked how many of the 23 landowners who signed are in Jefferson County. It was decided that 13 of 17 Jefferson County residents signed. Commissioner Lythgoe seconded the motion for discussion, and asked how many homeowners in Jefferson and Lewis and Clark counties have signed the petition. The petition was reviewed, and there are 23 landowners, if you include the City of Helena. Seven of these are in Lewis and Clark County, two of which signed.

Commissioner Weber stated that this is difficult for him to vote on. First, the County is trying to maintain the road standards. Second, they are going to be asking a neighboring county to enter into this, as well as a neighboring municipality. If he is going to consider this, it needs to be done as a cooperative effort with Lewis and Clark County and the City of Helena. Harold noted that the way Lime Kiln was done was before both Commissions. This, if approved, would need to go to Lewis and Clark County and the City of Helena, and would be more difficult. Commissioner Lythgoe noted that, knowing what he does about what Lewis and Clark County and the City of Helena are doing with their road standards, this will be difficult to get through them, because it is nowhere near standards. Dr. Kehr stated that he is willing to work with Lewis and Clark County and the City of Helena. Commissioner Notbohm stated that they have to agree, this road will be much better than it currently is, and noted also that it has been a year in the making. Commissioner Lythgoe called for a vote. The motion failed, with Commissioner Notbohm voting for and Commissioners Lythgoe and Weber voting against.

Commissioner Lythgoe stated that he will talk to Matt and Ben about looking into who owns the road and has responsibility. Dr. Kehr stated that there is talk in the neighborhood to abandon the road and give it to the state, and the state will make the County fix it.

DISCUSS AND DECIDE ON REQUEST FOR 30-DAY EXTENSION FOR COMPLETION OF MOONLIGHT RIDGE IMPROVEMENT AGREEMENT

Greg Dahl stated that, as requested, he met with Bruce Suenram, Harold Stepper and Ben Sautter on site. Greg stated that he and Harold had a chance to visit before the meeting, and came to the conclusion that he is not required to build a cul-de-sac across the road. He and his partner agreed that they would do this if the County really wanted, but he feels safe to say that Ben is not excited with this plan, but okay with it if it is done properly. He noted that it would require that they cut 6 feet down across the county road. He will bring fill from his ranch, excavation done by Dan Johnson's subdivision and from road work in this subdivision, and it will be close, although it may need more lift in the future. Ben stated that he would like to see a slight adjustment on the approach. Greg noted that this may require an additional easement from Mr. Warren.

Bruce stated that at the last meeting, Greg indicated that he was going to have the tank lid engineered. He said that if the tank has been designed and engineered for this use, and the engineer is okay with it, then so is the fire department. Commissioner Notbohm stated that this may be a stupid question, but fire trucks have the ability to suck water, so wouldn't it be better to just drop a hose. Bruce stated that this would require them to commit their best engine, and noted that a lot of departments are going to pressure systems. Greg stated that due to the change in elevation, this system is gravity fed and has tremendous pressure.

Greg stated that he is finishing the cul-de-sac, which will have a 100-foot plus driving surface. He stated that he was talking with a surveyor that morning regarding standards, and he was told that the standard is for the right-of-way. He noted that theirs would have had an 80-foot driving surface, but as it is now with a 100-foot driving surface, it fills the entire right-of-way. Greg stated that his partner has a real problem with them being held to a higher standard than others. Commissioner Weber stated that the Commission approved two preliminary plat approvals earlier in the meeting, and specified that it will state that the standard relates to the driving surface.

Greg stated that in regards to the approach to Jackson Creek Road, he had Shauber Survey come out and shoot the grade, and presented a drawing. Discussion followed about the way the road was designed and built at the bottom. The county road crew was working on Jackson Creek Road and changed the approach somewhat. Ben stated that Greg was done with the road when his crew came in and changed the approach. Greg stated that he had Don go from the bottom of the hill to shoot the grade, and they will cut the road down to bring it into compliance. Ben stated that it is not fair to ask Greg to cut the road to fit the approach that they changed. If they go back 50 feet from Jackson Creek and then get the grade, that would be okay with him. Ben stated that he remembers they said they had the grade, except for a short portion at the top of the hill. A discussion followed regarding the grade on different portions of the road. Ben stated that they backed the approach up a bit to have a negative grade onto Jackson Creek Road. If the road was built as it was originally drawn, the road would have a 9-percent grade right onto the county road. Commissioner Lythgoe asked Greg if he was taking the road down to a 10-percent or 9-percent grade, noting that 9 percent is the county standard. Bruce stated that this goes back to a former discussion. Someone needs to be the subdivision police. The county needs to make sure

that what has been agreed to is being done. He stated that the subdivision regulations need to be revised, so that developers know up front what is required of them.

Commissioner Lythgoe noted that there are two items on the agenda, one of which is the request for an extension. He asked Greg what still needs to be done. Greg stated that he knows what is needed for the cul-de-sacs, more material will be going on the roads and the turn-out will be constructed. He stated that he does need some answers on the road, however. Commissioner Weber noted that before the hydrant is moved, someone needs to request permission to move it from the agreed upon location.

Greg stated that he needs to know about the road; he is going to be cut some slack on the grade. Ben stated that he would need to request a variance to go to a 10-percent grade. Commissioner Lythgoe asked Greg if he was planning to take the road down. Greg stated that the engineer, who he assumed was working with the County, designed the road with a 10-percent grade. Commissioner Weber stated to Greg that it was important to note that he signed an agreement to abide by the road standards. He assumes that Greg was given a copy of those standards and that Greg provided those to the engineer. Any time there is a request to make a change to what has been agreed upon, the Commission needs something in writing. No verbal agreement is okay to change the subdivision agreement. He highly recommended that Greg continue to work with Harold, Ben and the Fire Department.

Commissioner Notbohm noted that this is why Greg is here, and why he is asking Ben what he would allow, noting that it would be hard for Greg to write something without this knowledge. Ben stated that on the hill, he would take responsibility for changing the approach and increasing the grade at the top. In between, the engineer did not hit the mark. He also noted that he had never seen the drawing before. Greg stated that Ben may recall when he was out there and they were shooting the grade, he called Ben and told him that they were having a problem with hitting 10 percent, and if it would be okay to go to 10 ½. Ben stated that he gave the okay for the spot at the top, but he assumed that they were going for 9 percent in between. Greg stated that he will have the engineer redesign the road at 9 percent. Ben asked about the material from the road. Greg stated that he will move it across to the cul-de-sac. He noted that he came to the meeting prepared to cut the road down. He will have it redrawn to 9 percent up to the top, which may be over, will stake it and have it cut.

Commissioner Lythgoe asked what other issues there are. Greg stated that he needs an extension, and requested that it be changed to 45 days, noting that he has some work to do. Also, he needs permission to move the hydrant across the road. Ben stated that Greg has made a good effort on the cul-de-sac and is getting closer. It is down to two items, the road grade and gravel. Commissioner Lythgoe asked Bruce what concerns he still has. Bruce stated that he is okay with moving the hydrant across the road, and the engineer is okay with the valve box.

Commissioner Weber moved to extend Mr. Dahl an extension for 45 days from that day, allowing Mr. Dahl to move the hydrant from the platted location across Jackson Creek Road adjacent to the 100-foot diameter cul-de-sac with an approach built in to Jackson Creek Road

into the cul-de-sac; and that Moonlight Ridge Road will be brought into county road standards, except as noted by Ben Sautter. Commissioner Lythgoe seconded. The motion carried.

CALENDAR REVIEW

5/5 Whitehall Chamber - noon
5/6 Canvas election - 9:00
5/9 Meet with Salty Payne, Bonnie Ramey and Kellie Doherty - 10:00
Meet with Glenna Waltee - 11:00
JLDC - 2:00
5/10 4-H Council - 8:00

COMMISSION REPORTS

PAY STUDY

Commissioner Lythgoe reported that he met with Salty, Bonnie and Kellie on Friday regarding Salty's pay study. He stated that it is getting close to conclusion.

DEPARTMENT HEAD/ELECTED OFFICIALS

Commissioner Lythgoe stated that an elected official/department head meeting was held on Thursday morning. He stated that it was a good meeting with good discussion.

WHITEHALL FOREST SERVICE

Commissioner Weber reported that he met with Jan Anderson regarding the Forest Service situation in Whitehall.

GOLDEN TRIANGLE

Commissioner Weber reported that the local Golden Triangle group is trying to re-group.

EXTENSION SERVICE

Commissioner Weber reported that he attended the Extension Advisory Board meeting. This group is just getting restarted. There was great discussion, and they are making headway in helping Cameron identify what needs to be dealt with.

MACo DISTRICT MEETING

Commissioner Weber reported that the Commissioners attended part of the MACo District meeting in Helena that morning.

PUBLIC MEETING RULES OF ORDER

Commissioner Lythgoe stated that the Commission has adopted a public participation resolution, and he has developed a statement, which he read as follows:

State law, Board policy and a mutual respect for everyone present dictate the manner in which this meeting is conducted.

The Board of Commissioners recognizes the value of public comment, as well as the public's constitutional right to participate in the operation of government.

For those individuals who desire to address the Commission during this meeting, if you haven't already done so, please sign your name on the sheet being circulated. The Commission Chairman will call on individuals to speak. Depending on the number of persons wishing to address the Commission, the Chairman may place reasonable time limits on comments.

The Chairman may interrupt or terminate an individual's statement, when the statement is out of order, abusive, obscene or too lengthy. The Commission is bound to protect the rights of its employees and elected officials therefore comments, which might be construed as negative of a county employee's performance or an attack on his or her character, are not allowed in this open meeting.

Commissioner Lythgoe stated that this statement will be on the clipboard with the sign-in sheet. Commissioner Weber stated that he agrees that this needs to be out there.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Bonnie stated that, in the past, the County had a credit card, but it didn't work well. Now, they are finding that when it is necessary to make reservation, a credit card is required. If airline reservations are needed, they will not accept cash or a county warrant. She stated that the Commission needs to reconsider a County credit card. She noted that the statement can go to the Clerk and Recorder so that the bill can be paid immediately, to avoid interest charges. Steve Marquis, undersheriff, stated that he has been having similar problems. The Sheriff's Office had to send someone to New Jersey for training, and they had to pay an extra \$175 since they were paying with cash. Vehicle rental is also an issue, as a credit card is an absolute must. Commissioner Lythgoe stated that this will be on the agenda in two weeks, and asked Bonnie to develop a policy.

Ben stated that he has a request from the Solid Waste board to hire two temporary Solid Waste drivers at \$13.84/hour. Commissioner Weber asked if they are currently hired by the Road Department as fill-in drivers. Ben stated that they are. Commissioner Lythgoe asked where the \$13.84 figure came from. Ben stated that he negotiated that amount for one driver a few months ago. He stated that this needs to be done right away, as they are being trained and will be turning in a time card at the end of the week. Jan stated that for clarification, Ben circumvented a meeting. It would be better for him to contact the board chair and come to an agreement with him, then operate under that until the next meeting. Commissioner Lythgoe stated that at the

next Solid Waste board meeting, they need to decide that Ben and the chair can make these decisions in emergency situations. Ben stated that he talked to the personnel officer and the county attorney, and they are both okay with this. Commissioner Weber stated that this is a management decision. Commissioner Lythgoe stated that the problem is a pay issue, but a management decision. The board needs to talk about this. Commissioner Lythgoe moved that Ben hire Al Magnen and Leon Albert and pay at a rate of \$13.84/hour as temporary, fill-in drivers for the Solid Waste district. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER